

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)	
)	
Application of BellSouth)	
Telecommunications, Inc. and)	CC Docket No. 97-208
BellSouth Long Distance, Inc. for)	
Provision of In-Region, InterLATA)	
Services in South Carolina)	

OPPOSITION TO BELL SOUTH'S MOTION TO STRIKE
REPLY COMMENTS OF TELEPORT COMMUNICATIONS GROUP INC.

Teleport Communications Group Inc. ("TCG") hereby opposes BellSouth's Motion to Strike Portions of Reply Comments of various commenters. Specifically, BellSouth urges the Commission to strike pages two and three of TCG's reply comments, in addition to the white paper attached thereto.¹ According to BellSouth, TCG's comments present new arguments, rather than responding to arguments previously raised. To the contrary, TCG has complied with the Commission's procedure, and thus, the Commission should deny the Motion to Strike.

The Commission has informed parties that reply comments "may not raise new arguments or include new data that are not directly responsive to arguments other participants have raised."² TCG's reply comments comply with this

1. BellSouth Motion to Strike, CC Docket No. 97-208 (filed December 4, 1997) at 8.

2. Revised Procedures for Bell Operating Company Applications Under Section 271 of the Communications Act, Public Notice, FCC 97-330 (rel. September 19, 1997) at 7.

directive because they directly respond to the Department of Justice ("DOJ") Evaluation regarding performance standards and associated reporting practices. In addition, TCG's white paper provides specific information that supports the substance of its reply comments.

Performance standards and parity have been raised and discussed repeatedly in this 271 proceeding. TCG stated in its comments that, in its experience, BellSouth had failed to provide service to competitors in parity with the level of service provided to itself.³ In its reply comments, TCG had the opportunity to record its agreement, in large measure, with the evaluation submitted by the DOJ on this same issue. However, TCG suggested that the incumbent carrier's performance, with regard to the provision of both resale and unbundled network elements, could be measured according to parity performance standards.⁴ In this regard, TCG provided its white paper describing the reporting categories and standards required to implement this recommendation. This white paper responds directly to the categories and standards set forth in the DOJ Evaluation,⁵ and as such are "directly responsive" to the points raised by DOJ on this issue.

3. See TCG Comments at 14-16.

4. TCG Reply Comments at 2 and n.4.

5. See Affidavit of Michael J. Friduss, Exhibit 3, Evaluation of the Department of Justice (filed November 4, 1997) at ¶¶ 53-78.

Moreover, BellSouth's assertion that parties raised "new" issues does not apply to the reply comments filed by TCG. First, BellSouth asserts that parties are to have the opportunity to reply to the veracity of information provided.⁶ BellSouth has had the opportunity to reply to the DOJ evaluation itself and TCG's initial comments. In turn, TCG's own reply comments address issues discussed in the DOJ evaluation. Second, BellSouth is concerned that state commissions and the Attorney General will not be able to meet their consultative obligations under the Act if they are not able to include in their considerations all issues of concern to parties, as well as the applicant's response to such issues.⁷ Again, TCG's replies were framed in response to specific issues addressed in the DOJ report. At bottom, TCG's replies were directly responsive to issues earlier raised and did not introduce new arguments.

6. Motion to Strike at 2.


7. Id.

For these reasons, TCG opposes BellSouth's Motion to Strike and urges the Commission to retain TCG's Reply Comments in their entirety in the record of this proceeding.

Respectfully submitted,

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Dated: December 11, 1997

SERVICE LIST

I, Dottie E. Holman, do hereby certify that a copy of the foregoing Opposition to BellSouth's Motion to Strike Reply Comments of Teleport Communications Group Inc. was sent by hand-delivery and first-class mail this 11th day of December, 1997, to the following:

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